



PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|   |                        |                 |
|---|------------------------|-----------------|
| <b>TRANSMITTAL<br/>FORM</b><br>(to be used for all correspondence after initial filing) | Application Number     | 10/630,350      |
|   | Filing Date            | July 29, 2003   |
|   | First Named Inventor   | Victor B. Kley  |
|   | Art Unit               | Unassigned      |
|   | Examiner Name          | Unassigned      |
| Total Number of Pages in This Submission  | Attorney Docket Number | 020921-000411US |

**ENCLOSURES (Check all that apply)**

|   |  |  |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s)<br>(please identify below):<br><br>USPTO forms SB08A & SB08B (5 pages),<br>copies of 23 cited references (foreign patent &<br>non-patent), Return Postcard. |
| Remarks   |  | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                    |   |
|--------------------|---|
| Firm or Individual | Townsend and Townsend and Crew LLP<br>David N. Slone<br>Reg. No. 28,572 |
| Signature          | <i>David Slone</i>  |
| Date               | 9/24/03   |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                       |                    |      |         |
|-----------------------|--------------------|------|---------|
| Typed or printed name | Roger Hylton       |      |         |
| Signature             | <i>[Signature]</i> | Date | 9/25/03 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PATENT  
Attorney Docket No.: 020921-000411US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

VICTOR B. KLEY

Application No.: 10/630,350

Filed: July 29, 2003

For: NANOMETER SCALE DATA  
STORAGE DEVICE AND  
ASSOCIATED POSITIONING SYSTEM

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the foreign patent and non-patent references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Victor B. Kley  
Application No.: 10/630,350  
Page 2



PATENT

Respectfully submitted,

*David Slone*

David N. Slone  
Reg. No. 28,572

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 650-326-2422  
DNS:rmh  
60040035 v1



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 5

**Complete if Known**

|                        |                 |
|------------------------|-----------------|
| Application Number     | 10/630,350      |
| Filing Date            | July 29, 2003   |
| First Named Inventor   | Victor B. Kley  |
| Art Unit               | Unassigned      |
| Examiner Name          | Unassigned      |
| Attorney Docket Number | 020921-000411US |

**U.S. PATENT DOCUMENTS+**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|---|
|                       |                          | Number Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       | 1                        | 6,353,219                                | 03-05-2002                     | Kley   |   |
|                       | 2                        | 2002/0007667                             | 01-24-2002                     | Pohl et al.  |   |
|                       | 3                        | 6,340,813                                | 01-22-2002                     | Tominaga et al.                                    |   |
|                       | 4                        | 6,337,479                                | 01-08-2002                     | Kley   |   |
|                       | 5                        | 6,265,711                                | 07-24-2001                     | Kley   |   |
|                       | 6                        | 6,252,226                                | 06-26-2001                     | Kley   |   |
|                       | 7                        | 6,229,138                                | 05-08-2001                     | Kley   |   |
|                       | 8                        | 6,229,609                                | 05-08-2001                     | Muramatsu et al.                                   |   |
|                       | 9                        | 6,144,028                                | 11-07-2000                     | Kley   |   |
|                       | 10                       | 6,101,164                                | 08-08-2000                     | Kado et al.  |   |
|                       | 11                       | 6,066,265                                | 05-23-2000                     | Galvin et al.                                      |   |
|                       | 12                       | 6,031,756                                | 02-29-2000                     | Gimsewski et al.                                   |   |
|                       | 13                       | 5,922,214                                | 07-13-1999                     | Liu et al.   |   |
|                       | 14                       | 5,883,387                                | 03-16-1999                     | Matsuyama et al.                                   |   |
|                       | 15                       | 5,874,726                                | 02-23-1999                     | Haydon   |   |
|                       | 16                       | 5,865,978                                | 02-02-1999                     | Cohen  |   |
|                       | 17                       | 5,825,670                                | 10-20-1998                     | Chernoff et al.                                    |   |
|                       | 18                       | 5,821,410                                | 10-13-1998                     | Xiang et al.                                       |   |
|                       | 19                       | 5,763,879                                | 06-09-1998                     | Zimmer et al.                                      |   |
|                       | 20                       | 5,756,997                                | 05-26-1998                     | Kley   |   |
|                       | 21                       | 5,751,683                                | 05-12-1998                     | Kley   |   |
|                       | 22                       | 5,721,721                                | 02-24-1998                     | Yanagisawa   |   |
|                       | 23                       | 5,717,680                                | 02-10-1998                     | Yamano   |   |
|                       | 24                       | 5,679,952                                | 10-21-1997                     | Lutwyche et al.                                    |   |
|                       | 25                       | 5,644,512                                | 07-01-1997                     | Chernoff et al.                                    |   |
|                       | 26                       | 5,634,230                                | 06-03-1997                     | Maurer   |   |
|                       | 27                       | 5,623,476                                | 04-22-1997                     | Eguchi   |   |
|                       | 28                       | 5,610,898                                | 03-11-1997                     | Takimoto   |   |
|                       | 29                       | 5,602,820                                | 02-11-1997                     | Wickramasinghe et al.                              |   |
|                       | 30                       | 5,583,286                                | 12-10-1996                     | Matsuyama  |   |
|                       | 31                       | 5,560,244                                | 10-01-1996                     | Prater et al.                                      |   |
|                       | 32                       | 5,559,328                                | 09-24-1996                     | Weiss et al.                                       |   |
|                       | 33                       | 5,548,117                                | 08-20-1996                     | Nakagawa   |   |
|                       | 34                       | 5,519,686                                | 05-21-1996                     | Yanagisawa et al.                                  |   |
|                       | 35                       | 5,510,615                                | 04-23-1996                     | Ho et al.  |   |
|                       | 36                       | 5,506,829                                | 04-09-1996                     | Yagi   |   |
|                       | 37                       | 5,502,306                                | 03-26-1996                     | Meisburger et al.                                  |   |
|                       | 38                       | 5,495,109                                | 02-27-1996                     | Lindsay et al.                                     |   |
|                       | 39                       | 5,490,132                                | 02-06-1996                     | Yagi et al.  |   |
|                       | 40                       | 5,472,881                                | 12-05-1995                     | Beebe et al.                                       |   |
|                       | 41                       | 5,471,458                                | 11-28-1995                     | Oguchi et al.                                      |   |

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 5

**Complete if Known**

|                        |                 |
|------------------------|-----------------|
| Application Number     | 10/630,350      |
| Filing Date            | July 29, 2003   |
| First Named Inventor   | Victor B. Kley  |
| Art Unit               | Unassigned      |
| Examiner Name          | Unassigned      |
| Attorney Docket Number | 020921-000411US |

**U.S. PATENT DOCUMENTS\***

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|---|
|                       |                          | Number Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       | 42                       | 5,463,897                                | 11-07-1995                     | Prater et al.                                      |   |
|                       | 43                       | 5,461,605                                | 10-24-1995                     | Takimoto   |   |
|                       | 44                       | 5,455,420                                | 10-03-1995                     | Ho et al.  |   |
|                       | 45                       | 5,453,970                                | 09-26-1995                     | Rust et al.  |   |
|                       | 46                       | 5,426,631                                | 06-20-1995                     | Miyazaki et al.                                    |   |
|                       | 47                       | 5,418,363                                | 05-23-1995                     | Elings et al.                                      |   |
|                       | 48                       | 5,416,331                                | 05-16-1995                     | Ichikawa et al.                                    |   |
|                       | 49                       | 5,414,690                                | 05-09-1995                     | Shido et al.                                       |   |
|                       | 50                       | 5,414,260                                | 05-09-1995                     | Takimoto et al.                                    |   |
|                       | 51                       | 5,412,641                                | 05-02-1995                     | Shinjo   |   |
|                       | 52                       | 5,408,094                                | 04-18-1995                     | Kajimura   |   |
|                       | 53                       | 5,396,483                                | 03-07-1995                     | Matsida  |   |
|                       | 54                       | 5,393,647                                | 02-28-1995                     | Neukermans et al.                                  |   |
|                       | 55                       | 5,392,275                                | 02-21-1995                     | Kawada et al.                                      |   |
|                       | 56                       | 5,389,475                                | 02-14-1995                     | Yanagisawa   |   |
|                       | 57                       | 5,373,494                                | 12-13-1994                     | Kawagishi  |   |
|                       | 58                       | 5,362,963                                | 11-08-1994                     | Kopelman et al.                                    |   |
|                       | 59                       | 5,360,977                                | 11-01-1994                     | Onuki et al.                                       |   |
|                       | 60                       | 5,357,110                                | 10-18-1994                     | Statham  |   |
|                       | 61                       | 5,357,109                                | 10-18-1994                     | Kusumoto   |   |
|                       | 62                       | 5,354,985                                | 10-11-1994                     | Quate  |   |
|                       | 63                       | 5,353,632                                | 10-11-1994                     | Nakagawa   |   |
|                       | 64                       | 5,349,735                                | 09-27-1994                     | Kawase   |   |
|                       | 65                       | 5,343,460                                | 08-30-1994                     | Miyazaki   |   |
|                       | 66                       | RE34708                                  | 08-30-1994                     | Hansma et al.                                      |   |
|                       | 67                       | 5,338,932                                | 08-16-1994                     | Theodore et al.                                    |   |
|                       | 68                       | 5,319,977                                | 06-14-1994                     | Quate et al.                                       |   |
|                       | 69                       | 5,319,961                                | 06-14-1994                     | Matsuyama et al.                                   |   |
|                       | 70                       | 5,317,533                                | 05-31-1994                     | Quate  |   |
|                       | 71                       | 5,317,152                                | 05-31-1994                     | Takamatsu.   |   |
|                       | 72                       | 5,308,974                                | 05-03-1994                     | Elings et al.                                      |   |
|                       | 73                       | 5,302,239                                | 04-12-1994                     | Roe et al.   |   |
|                       | 74                       | 5,299,184                                | 03-29-1994                     | Yamano   |   |
|                       | 75                       | 5,297,130                                | 03-22-1994                     | Tagawa   |   |
|                       | 76                       | 5,289,408                                | 02-22-1994                     | Mimura   |   |
|                       | 77                       | 5,283,437                                | 02-01-1994                     | Greshner et al.                                    |   |
|                       | 78                       | 5,278,704                                | 01-11-1994                     | Matsuda  |   |
|                       | 79                       | 5,276,672                                | 01-04-1994                     | Miyazaki   |   |
|                       | 80                       | 5,260,824                                | 11-09-1993                     | Okada et al.                                       |   |
|                       | 81                       | 5,254,854                                | 10-19-1993                     | Betzig   |   |
|                       | 82                       | 5,249,077                                | 09-28-1993                     | Laronga  |   |

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 3 of 5

**Complete if Known**

|                        |                 |
|------------------------|-----------------|
| Application Number     | 10/630,350      |
| Filing Date            | July 29, 2003   |
| First Named Inventor   | Victor B. Kley  |
| Art Unit               | Unassigned      |
| Examiner Name          | Unassigned      |
| Attorney Docket Number | 020921-000411US |

**U.S. PATENT DOCUMENTS+**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|---|
|                       |                          | Number Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       | 83                       | 5,241,527                                | 08-31-1993                     | Eguchi   |   |
|                       | 84                       | 5,231,286                                | 07-27-1993                     | Kajimura et al.                                    |   |
|                       | 85                       | 5,220,555                                | 06-15-1993                     | Yanagisawa   |   |
|                       | 86                       | 5,216,631                                | 06-01-1993                     | Siwa   |   |
|                       | 87                       | 5,210,410                                | 05-11-1993                     | Barret   |   |
|                       | 88                       | RE34214                                  | 04-06-1993                     | Carlsson et al.                                    |   |
|                       | 89                       | 5,187,367                                | 02-16-1993                     | Miyazaki   |   |
|                       | 90                       | 5,166,520                                | 11-24-1992                     | Prater et al.                                      |   |
|                       | 91                       | 5,155,589                                | 10-13-1992                     | Gere   |   |
|                       | 92                       | 5,148,308                                | 09-15-1992                     | Kopelman   |   |
|                       | 93                       | 5,142,145                                | 08-25-1992                     | Yasutake   |   |
|                       | 94                       | 5,138,159                                | 08-11-1992                     | Takase et al.                                      |   |
|                       | 95                       | 5,118,541                                | 06-02-1992                     | Yamamoto et al.                                    |   |
|                       | 96                       | 5,108,865                                | 04-28-1992                     | Zwaldo et al.                                      |   |
|                       | 97                       | 5,107,112                                | 04-21-1992                     | Yanagisawa et al.                                  |   |
|                       | 98                       | 5,105,305                                | 04-14-1992                     | Betzig et al.                                      |   |
|                       | 99                       | 5,081,390                                | 01-14-1992                     | Elings et al.                                      |   |
|                       | 100                      | 5,072,116                                | 12-10-1991                     | Kawade et al.                                      |   |
|                       | 101                      | 5,047,649                                | 09-10-1991                     | Hodgson et al.                                     |   |
|                       | 102                      | 5,047,633                                | 09-10-1991                     | Finlan et al.                                      |   |
|                       | 103                      | 5,043,577                                | 08-27-1991                     | Pohi   |   |
|                       | 104                      | 5,038,322                                | 08-06-1991                     | Van Loenen   |   |
|                       | 105                      | 5,025,346                                | 06-18-1991                     | Tang   |   |
|                       | 106                      | 5,018,865                                | 05-28-1991                     | Ferrell et al.                                     |   |
|                       | 107                      | 5,015,850                                | 05-14-1991                     | Zdeblick   |   |
|                       | 108                      | 5,010,249                                | 04-23-1991                     | Nishikawa  |   |
|                       | 109                      | 5,001,344                                | 03-19-1991                     | Kato et al.  |   |
|                       | 110                      | 4,999,495                                | 03-12-1991                     | Miyata et al.                                      |   |
|                       | 111                      | 4,954,704                                | 09-04-1990                     | Elings et al.                                      |   |
|                       | 112                      | 4,924,091                                | 05-08-1990                     | Hansma et al.                                      |   |
|                       | 113                      | 4,907,195                                | 03-06-1990                     | Kazan et al.                                       |   |
|                       | 114                      | 4,866,986                                | 09-19-1989                     | Cichanski  |   |
|                       | 115                      | 4,831,614                                | 05-16-1989                     | Duerig   |   |
|                       | 116                      | 4,697,594                                | 10-06-1987                     | Mayo, Jr.  |   |
|                       | 117                      | 4,681,451                                | 07-21-1987                     | Guerra et al.                                      |   |
|                       | 118                      | RE32457                                  | 07-07-1987                     | Matey  |   |
|                       | 119                      | 4,673,477                                | 06-16-1987                     | Ramalingam et al.                                  |   |
|                       | 120                      | 4,672,559                                | 06-09-1987                     | Jansson et al.                                     |   |
|                       | 121                      | 4,604,520                                | 08-05-1986                     | Pohl   |   |
|                       | 122                      | 4,115,806                                | 09-19-1978                     | Morton   |   |
|                       | 123                      | 3,812,288                                | 05-21-1974                     | Walsh et al.                                       |   |

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

60040035 v1



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 4 of 5

**Complete if Known**

|                        |                 |
|------------------------|-----------------|
| Application Number     | 10/630,350      |
| Filing Date            | July 29, 2003   |
| First Named Inventor   | Victor B. Kley  |
| Art Unit               | Unassigned      |
| Examiner Name          | Unassigned      |
| Attorney Docket Number | 020921-000411US |

**U.S. PATENT DOCUMENTS+**

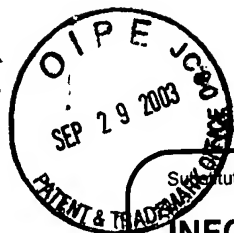
| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Document Number                          | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|-----------------------|--------------------------|--|--------------------------------|--|---|
|                       |                          | Number Kind Code <sup>2</sup> (if known) |                                |  |   |
|                       | 124                      | 3,586,865                                | 06-22-1971                     | Baker et al.                                       |   |
|                       |                          |  |                                |  |   |
|                       |                          |  |                                |  |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document   |                     |                                   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns,<br>Lines, Where<br>Relevant Passages<br>or Relevant Figures<br>Appear | T <sup>6</sup>   |
|-----------------------|--------------------------|---------------------------|---------------------|-----------------------------------|--------------------------------|---|---|------------------|
|                       |                          | Country Code <sup>3</sup> | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) |                                |   |   |                  |
|                       | 125                      | PCT                       | WO 01/03157         |                                   | 01-11-2001                     |   |   |                  |
|                       | 126                      | PCT                       | WO 98/34092         | A2                                | 08-06-1998                     |   |   |                  |
|                       | 127                      | PCT                       | WO 97/04449         |                                   | 02-06-1997                     |   |   |                  |
|                       | 128                      | PCT                       | WO 96/03641         | A1                                | 02-08-1996                     |   |   |                  |
|                       | 129                      | JP                        | 7-105580            |                                   | 04-21-1995                     |   |   | yes              |
|                       | 130                      | JP                        | 61-133065           |                                   | 06-20-1986                     |   |   | abstract<br>only |
|                       | 131                      | JP                        | 1-262403            |                                   | 10-19-1989                     |   |   | abstract<br>only |
|                       | 132                      | EP                        | 0325056             |                                   | 07-26-1989                     |   |   |                  |
|                       |                          |                           |                     |                                   |                                |   |   |                  |

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.



Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 5 of 5

**Complete if Known**

|                        |                 |
|------------------------|-----------------|
| Application Number     | 10/630,350      |
| Filing Date            | July 29, 2003   |
| First Named Inventor   | Victor B. Kley  |
| Art Unit               | Unassigned      |
| Examiner Name          | Unassigned      |
| Attorney Docket Number | 020921-000411US |

**NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials * | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
|------------------------|--------------------------|---|----------------|
|                        | 133                      | AGER et al., "Multilayer hard carbon films with low wear rates," <i>Surface and Coatings Technology</i> , 91:91-94 (1997).  |                |
|                        | 134                      | BETZIG et al "Near-Field Optics: Microscopy Spectroscopy and Surface Modification Beyond the Diffraction Limit" <i>Science</i> 257:(1992).  |                |
|                        | 135                      | DAI et al. " Nanotubes as nanoprobe in scanning probe microscopy," <i>Nature</i> 384:147-150 (1996).  |                |
|                        | 136                      | DAVIS "Deposition characterization and device development in diamond silicon carbide and gallium nitride thin films" <i>J. Vac. Sci. Technol. A</i> 11(4). Jul./Aug. (1993).  |                |
|                        | 137                      | DIAZ, D.C., et al., An Improved Fabrication Technique for Porous Silicon, <i>Rev. Sci. Instrum.</i> 64 (2), Feb. 1993, pp. 507-509.   |                |
|                        | 138                      | GIVARGIZOV et al "Growth of diamond particles on sharpened silicon tips" <i>Materials Letters</i> 18:(1993).  |                |
|                        | 139                      | GOMYU, H., et al. Effect of Electrochemical Treatments on the Photoluminescence from Porous Silicon, <i>J. Electrochem. Soc.</i> , vol. 139, No. 9, Sep. 1992, pp. L86-L88.   |                |
|                        | 140                      | NOSSARZEWSKA-ORLOWSKA, E., et al., Photoluminescence Properties of Porous Silicon Prepared by Electrochemical Etching of Si Epitaxial Layer, <i>Acta Physica Polonica A</i> , No.4. vol. 84 (1993), pp. 713-716.  |                |
|                        | 141                      | RASMUSSEN et al. "Fabrication of an All-metal Atomic Force Microscope Probe," <i>IEEE</i> (1997).   |                |
|                        | 142                      | ROSSOW, U., et al., Influence of the Formation Conditions on the Microstructure of Porous Silicon Layers Studied by Spectroscopic Ellipsometry, <i>Thin Solid Films</i> , 255 (1995), pp. 5-8.  |                |
|                        | 143                      | SMESTAD, G., et al., Photovoltaic Response in Electrochemically Prepared Photoluminescent Porous Silicon, <i>Solar Energy Materials and Solar Cells</i> , 26, pp. 277-283 (1992).   |                |
|                        | 144                      | TANG, William Chi-Keung, "Electrostatic comb drive for resonant sensor and actuator applications," Abstract of dissertation at the University of California at Berkeley (1990).   |                |
|                        | 145                      | TOLEDO-CROW et al "Near-field differential scanning optical microscope with atomic force regulation" <i>Appl. Phys. Lett.</i> 60: (1992).   |                |
|                        | 146                      | VAN HULST et al "Near-field optical microscope using a silicon-nitride probe" <i>Appl. Phys. Lett.</i> 62: (1993).  |                |
|                        | 147                      | WATSON et al "The Radiation Patterns of Dielectric Rods-Experiment Theory" <i>Journal of Applied Physics</i> 19: (1948).  |                |
|                        |                          |   |                |

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.